

AMENDED IN SENATE AUGUST 19, 2008

AMENDED IN SENATE JUNE 18, 2008

AMENDED IN SENATE MAY 27, 2008

AMENDED IN ASSEMBLY APRIL 23, 2008

AMENDED IN ASSEMBLY APRIL 16, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2884

Introduced by Assembly Member Portantino

February 22, 2008

~~An act to amend, repeal, and add Section 273 of the Code of Civil Procedure, relating to court reporters. An act to amend Section 27602 of the Vehicle Code, relating to vehicles.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2884, as amended, Portantino. ~~Court reporters: rough draft transcript.~~ *Motor vehicle operation: television broadcast or video signal display.*

(1) Existing law makes it unlawful for a person to drive a motor vehicle if a television receiver, a video monitor, or a television or video screen, or any other similar means of visually displaying a television broadcast or video signal that produces entertainment or business applications, is operating and is located in the motor vehicle at any point forward of the back of the driver's seat, or is operating and visible to the driver while he or she is driving the motor vehicle. Under existing law, that provision does not apply to specified equipment, including, among other things, a television receiver, video monitor, television or

radio screen, or similar means of visually displaying a television broadcast or video signal, if that equipment has an interlock device that, when the motor vehicle is driven, disables the equipment for all uses except as a vehicle information display, global positioning display, mapping display, or a visual display used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle.

This bill would delete the prohibition regarding operating the specified equipment when it is located at any point forward of the driver's seat. The bill would exempt from this prohibition the operation of equipment that is designed and configured by the manufacturer of the vehicle to prevent the driver of the motor vehicle from viewing the television broadcast or video signal while operating the vehicle in a safe and reasonable manner.

(2) This bill would incorporate additional changes to Section 27602 of the Vehicle Code, proposed by AB 3064, to be operative only if AB 3064 and this bill are both chaptered and become effective on or before January 1, 2009, and this bill is chaptered last.

~~Existing law provides that the report of the official reporter or official reporter pro tempore of any court, as specified, when transcribed and certified as being a correct transcript of the testimony and proceedings in a case, is prima facie evidence of that testimony and proceedings. Existing law specifically provides that the report, when prepared as a rough draft transcript, shall not be certified and cannot be used, cited, or transcribed as the official certified transcript of the proceedings. Existing law also provides that the rough draft transcript may not be cited or used to rebut or contradict the official certified transcript and that the production of a rough draft transcript shall not be required.~~

~~This bill would provide, until January 1, 2016, that the instant visual display of the testimony or proceedings, or both, shall not be certified and cannot be used, cited, or transcribed as the official certified transcript of the proceedings. The bill also would prohibit the citation or use of the instant visual display of the testimony or proceedings, or both, to rebut or contradict the official certified transcript of the proceedings.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 27602 of the Vehicle Code is amended to*
2 *read:*

3 27602. (a) A person may not drive a motor vehicle if a
4 television receiver, a video monitor, or a television or video screen,
5 or any other, similar means of visually displaying a television
6 broadcast or video signal that produces entertainment or business
7 applications, is operating and ~~is located in the motor vehicle at any~~
8 ~~point forward of the back of the driver's seat, or is operating and~~
9 ~~the monitor, screen, or display~~ is visible to the driver while driving
10 the motor vehicle.

11 (b) Subdivision (a) does not apply to the following equipment
12 when installed in a vehicle:

13 (1) A vehicle information display.

14 (2) A global positioning display.

15 (3) A mapping display.

16 (4) A visual display used to enhance or supplement the driver's
17 view forward, behind, or to the sides of a motor vehicle for the
18 purpose of maneuvering the vehicle.

19 (5) A television receiver, video monitor, television or video
20 screen, or any other, similar means of visually displaying a
21 television broadcast or video signal, if that equipment *satisfies one*
22 *of the following requirements:*

23 (A) *The equipment* has an interlock device that, when the motor
24 vehicle is driven, disables the equipment for all uses except as a
25 visual display as described in paragraphs (1) to (4), inclusive.

26 (B) *The equipment is designed and configured by the*
27 *manufacturer of the motor vehicle to prevent the driver of the*
28 *motor vehicle from viewing the television broadcast or video signal*
29 *while operating the vehicle in a safe and reasonable manner.*

30 (6) A mobile digital terminal installed in a vehicle owned or
31 operated by an electrical corporation, as defined in Section 218 of
32 the Public Utilities Code, a local publicly owned electric utility,
33 as defined in Section 9604 of that code, a gas corporation, as
34 defined in Section 222 of that code, or a telephone corporation, as
35 defined in Section 234 of that code, if the mobile digital terminal
36 is fitted with an opaque covering that does not allow the driver to
37 view any part of the display while driving, even though the terminal
38 may be operating.

(c) Subdivision (a) does not apply to a mobile digital terminal installed in an authorized emergency vehicle or to a motor vehicle providing emergency road service or roadside assistance.

(d) Subdivision (a) does not apply to a mobile digital terminal installed in a vehicle owned or operated by an electrical corporation, as defined in Section 218 of the Public Utilities Code, a local publicly owned electric utility, as defined in Section 9604 of that code, a gas corporation, as defined in Section 222 of that code, or a telephone corporation, as defined in Section 234 of that code, when the vehicle is deployed in an emergency to respond to an interruption or impending interruption of electrical, natural gas, or telephone service.

SEC. 1.5. Section 27602 of the Vehicle Code is amended to read:

27602. (a) A person may not drive a motor vehicle if a television receiver, a video monitor, or a television or video screen, or any other, similar means of visually displaying a television broadcast or video signal that produces entertainment or business applications, is operating and ~~is located in the motor vehicle at any point forward of the back of the driver's seat, or is operating and the monitor, screen, or display is visible to the driver while driving~~ the motor vehicle.

(b) Subdivision (a) does not apply to the following equipment when installed in a vehicle:

(1) A vehicle information display.

(2) A global positioning display.

(3) A mapping display.

(4) A visual display used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle.

(5) A television receiver, video monitor, television or video screen, or any other, similar means of visually displaying a television broadcast or video signal, if that equipment ~~has~~ *satisfies one of the following requirements:*

(A) *The equipment has* an interlock device that, when the motor vehicle is driven, disables the equipment for all uses except as a visual display as described in paragraphs (1) to (4), inclusive.

(B) *The equipment is designed and configured by the manufacturer of the motor vehicle to prevent the driver of the*

1 *motor vehicle from viewing the television broadcast or video signal*
2 *while operating the vehicle in a safe and reasonable manner.*

3 (6) A mobile digital terminal ~~installed in a vehicle owned or~~
4 ~~operated by an electrical corporation, as defined in Section 218 of~~
5 ~~the Public Utilities Code, a local publicly owned electric utility,~~
6 ~~as defined in Section 9604 of that code, a gas corporation, as~~
7 ~~defined in Section 222 of that code, or a telephone corporation, as~~
8 ~~defined in Section 234 of that code, if the mobile digital terminal~~
9 *that is fitted with an opaque covering that does not allow the driver*
10 *to view any part of the display while driving, even though the*
11 *terminal may be ~~operating~~; operating, installed in a vehicle that*
12 *is owned or operated by any of the following:*

13 (A) *An electrical corporation, as defined in Section 218 of the*
14 *Public Utilities Code.*

15 (B) *A gas corporation, as defined in Section 222 of the Public*
16 *Utilities Code.*

17 (C) *A sewer system corporation, as defined in Section 230.6 of*
18 *the Public Utilities Code.*

19 (D) *A telephone corporation, as defined in Section 234 of the*
20 *Public Utilities Code.*

21 (E) *A water corporation, as defined in Section 241 of the Public*
22 *Utilities Code.*

23 (F) *A local publicly owned electric utility, as defined in Section*
24 *9604 of the Public Utilities Code.*

25 (G) *A city, joint powers agency, or special district, if that local*
26 *entity uses the vehicle solely in the provision of sewer service, gas*
27 *service, water service, or wastewater service.*

28 (c) Subdivision (a) does not apply to a mobile digital terminal
29 installed in an authorized emergency vehicle or to a motor vehicle
30 providing emergency road service or roadside assistance.

31 (d) Subdivision (a) does not apply to a mobile digital terminal
32 installed in a vehicle ~~owned or operated by an electrical~~
33 ~~corporation, as defined in Section 218 of the Public Utilities Code,~~
34 ~~a local publicly owned electric utility, as defined in Section 9604~~
35 ~~of that code, a gas corporation, as defined in Section 222 of that~~
36 ~~code, or a telephone corporation, as defined in Section 234 of that~~
37 ~~code, when the vehicle is deployed in an emergency to respond to~~
38 ~~an interruption or impending interruption of electrical, natural gas,~~
39 ~~telephone, sewer, water, or telephone service; wastewater service,~~
40 *and the vehicle is owned or operated by any of the following:*

1 (1) An electrical corporation, as defined in Section 218 of the
2 Public Utilities Code.

3 (2) A gas corporation, as defined in Section 222 of the Public
4 Utilities Code.

5 (3) A sewer system corporation, as defined in Section 230.6 of
6 the Public Utilities Code.

7 (4) A telephone corporation, as defined in Section 234 of the
8 Public Utilities Code.

9 (5) A water corporation, as defined in Section 241 of the Public
10 Utilities Code.

11 (6) A local publicly owned electric utility, as defined in Section
12 9604 of the Public Utilities Code.

13 (7) A city, joint powers agency, or special district, if that local
14 entity uses the vehicle solely in the provision of sewer service, gas
15 service, water service, or wastewater service.

16 SEC. 2. Section 1.5 of this bill incorporates amendments to
17 Section 27602 of the Vehicle Code proposed by both this bill and
18 AB 3064. It shall only become operative if (1) both bills are enacted
19 and become effective on or before January 1, 2009, (2) each bill
20 amends Section 27602 of the Vehicle Code, and (3) this bill is
21 enacted after AB 3064, in which case Section 1 of this bill shall
22 not become operative.

23 ~~SECTION 1. Section 273 of the Code of Civil Procedure is~~
24 ~~amended to read:~~

25 ~~273. (a) The report of the official reporter, or official reporter~~
26 ~~pro tempore, of any court, duly appointed and sworn, when~~
27 ~~transcribed and certified as being a correct transcript of the~~
28 ~~testimony and proceedings in the case, is prima facie evidence of~~
29 ~~that testimony and proceedings.~~

30 ~~(b) The report of the official reporter, or official reporter pro~~
31 ~~tempore, of any court, duly appointed and sworn, when prepared~~
32 ~~as a rough draft transcript, shall not be certified and cannot be~~
33 ~~used, cited, distributed, or transcribed as the official certified~~
34 ~~transcript of the proceedings. A rough draft transcript shall not be~~
35 ~~cited or used in any way or at any time to rebut or contradict the~~
36 ~~official certified transcript of the proceedings as provided by the~~
37 ~~official reporter or official reporter pro tempore. The production~~
38 ~~of a rough draft transcript shall not be required.~~

39 ~~(c) The instant visual display of the testimony or proceedings,~~
40 ~~or both, shall not be certified and cannot be used, cited, distributed,~~

1 or transcribed as the official certified transcript of the proceedings.
2 The instant visual display of the testimony or proceedings, or both,
3 shall not be cited or used in any way or at any time to rebut or
4 contradict the official certified transcript of the proceedings as
5 provided by the official reporter or official reporter pro tempore.

6 (d) ~~This section shall remain in effect only until January 1, 2016,~~
7 ~~and as of that date is repealed, unless a later enacted statute, that~~
8 ~~is enacted before January 1, 2016, deletes or extends that date.~~

9 SEC. 2. ~~Section 273 is added to the Code of Civil Procedure,~~
10 ~~to read:~~

11 273. (a) ~~The report of the official reporter, or official reporter~~
12 ~~pro tempore, of any court, duly appointed and sworn, when~~
13 ~~transcribed and certified as being a correct transcript of the~~
14 ~~testimony and proceedings in the case, is prima facie evidence of~~
15 ~~that testimony and proceedings.~~

16 (b) ~~The report of the official reporter, or official reporter pro~~
17 ~~tempore, of any court, duly appointed and sworn, when prepared~~
18 ~~as a rough draft transcript, shall not be certified and cannot be~~
19 ~~used, cited, or transcribed as the official certified transcript of the~~
20 ~~proceedings. A rough draft transcript shall not be cited or used in~~
21 ~~any way or at any time to rebut or contradict the official certified~~
22 ~~transcript of the proceedings as provided by the official reporter~~
23 ~~or official reporter pro tempore. The production of a rough draft~~
24 ~~transcript shall not be required.~~

25 (c) ~~This section shall become operative on January 1, 2016.~~